THE HON'BLE MS JUSTICE G.ROHINI

Writ Petition No.25391 of 2005

16.12.2005

Between:

Telugu Virupakshi s/o Pedda Nagappa and others

... PETITONERS

AND

The District Collector, Kurnool and others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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Writ Petition No.25391 of 2005

ORDER:

Heard both the parties and perused the material on record.

The fourth respondent herein is the authorised dealer of fair price shop of Gudipadu village, Gudur Mandal, Kurnool Distirct. By an order, dated 22.07.2004, passed by the third respondent-Revenue Divisional Officer, Kurnool, the authorisation of the fourth respondent was suspended, pending enquiry into the allegation that she misappropriated 53.15 quintals of rice sanctioned for 'food for work' programme. Aggrieved by the said order, the fourth respondent preferred an appeal before the second respondent-Joint Collector, Kurnool. The second respondent initially by an order, dated 16.08.2004, granted stay of operation of the order, dated 22.07.2004. However, ultimately by an order, dated 20.05.2005, the appeal was dismissed. Questioning the same, the fourth respondent preferred revision petition before the first respondent-District Collector, Kurnool. The first respondent, having considered the entire material on record, observed that the 'food for work' and SGRY special component works are not be done through contractors, that the rice is to be distributed to workers directly in the presence of AE, P.R. Secretary and VDO concerned, and that the local public representative should also be present, and in case of misappropriation of rice, it is the joint responsibility of the AE, VDO and the dealer. Accordingly, the first respondent directed the Revenue Divisional Officer to reinstate the fourth respondent. Questioning the said order, this writ petition is filed by 20 persons claiming themselves to be the cardholders of the

Gudipadu village.

The learned counsel for the petitioners vehemently contends that the first respondent committed grave error in setting aside the order of suspension, dated 22.07.2004, in view of the gravity of the allegations against the fourth respondent.

The learned counsel appearing for the fourth respondent submits that the writ petition itself is not maintainable since the petitioners who claim to be the cardholders have no *locus standi*. The learned counsel submits that as a matter of the fact, some of the petitioners have impersonated themselves as cardholders.

Be that as it may, since the order passed by the Revenue Divisional Officer is nothing but an order of suspension, pending enquiry and particularly keeping in view the fact that pending the appeal before the second respondent, the fourth respondent continued to distribute the essential commodities by virtue of the interim stay granted by the appellate authority, I am of the opinion that it is not necessary for this Court to express any opinion on merits. Instead, I deem it appropriate to dispose of the writ petition with a direction to the Revenue Divisional Officer to proceed with the enquiry initiated against the petitioner and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the fourth respondent shall be continued to distribute the essential commodities.

The writ petition is accordingly disposed of. No costs.

16.12.2005

VGB